

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LYNDA PERDUE,

Plaintiff,

v.

AMERICAN HOME MORTGAGE SERVICING,
INC., and TRANS UNION, L.L.C.,

Defendants.

Case No. 11-14011

Honorable John Corbett O'Meara

ORDER OF PARTIAL DISMISSAL

Plaintiff Lynda Perdue filed a seven-count complaint in this court alleging the following causes of action: Count I, violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681s-2(b); Count II, intentional infliction of emotional distress; Count III, negligence; Count IV, negligence *per se*; also alleged as Count IV, defamation; Count V, malicious statutory libel under Michigan law; and Count VI, violations of the FCRA.

Although Plaintiff's causes of action arising under federal statutes are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based solely on state law. Plaintiff has failed to state Defendants' states of incorporation and principal places of business and has also failed to allege an amount in controversy that would give this court federal subject matter jurisdiction through diversity of citizenship. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in order to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); and Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). Accordingly, it is hereby **ORDERED** that Counts II, III, IV

(negligence *per se*), IV (defamation), and V of the complaint are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: June 7, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, June 7, 2012, using the court's ECF system.

s/William Barkholz
Case Manager